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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,033	08/31/2001	Norman C. Pyle	10011622-1	3034

22879 7590 04/26/2005

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EXAMINER	
YE, LIN	
ART UNIT	**PAPER NUMBER**
2615	

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/945,033	PYLE ET AL.	
	Examiner	Art Unit	
	Lin Ye	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 January 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 August 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-24 filed on 1/21/2005 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-6, 8-15 and 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heyden U.S. Publication 2002/0039135 in view of Ueno et al. J.P. Publication 08-032847 and Fellegara et al. U.S. Patent 5,845,166.

Referring to claim 1, the Heyden reference discloses in Figures 1 and 4, a system (monitoring unit 1, see page 4, [0058]) for initiating capture (record) of images (see page 4, [0060]): a photosensor (sensor 2) configured to capture an image; a processor (central processing unit 4) configured to execute logic for (See the logic flow charts in Figure 4); determining an exposure value (determining light intensity levels of the recorded image, and the range of value from 0 and 255, see page 4, [0061]) for the image; computing an exposure value change (difference) from a previous exposure value (e.g., calculating difference exposure value between the reference image which

created by previous set of images and current recorded image, see Figure 4, step 220 and page 4, [0071]); comparing the exposure value change to an exposure value change criteria (See Figure 4, step 230 and page 5 [0071], check whether exposure value change exceeds a certain light level); and a memory (5, see page 4, lines1-2) configured to store the image when the exposure value change is at least equal to the exposure value change criteria (e.g., in Figure 4, step 230, If exposure value change exceeds a certain level, the flow chart go through steps 240-250 to step 260 for updated sets of images stored in memory 5 and using the recorded images to create a new set of images, See page 5, [0073]. This means the system stores the image when the exposure value change exceeds a certain intensity level). However, the Heyden reference does not explicitly show that the system can temporarily store captured image, and save the image only when the exposure value change is at least equal to the exposure value change criteria.

The Ueno reference teaches in Figures 1 and 8, a digital camera system comprising the change of the exposure value in the photographing means is performed by changing the aperture or the shutter speed for controlling the brightness change in photograph (See page 17, [0020]); a memory (frame memory 28) configured to temporarily store the captured image (e.g., replacing the image data stored the longest in the memory 28 by the new image data, See page 2, lines 8-12); When the processor (control device 20) determines that the exposure value change (brightness value) is at least equal (close) to the exposure value change criteria (the brightness setting means such as aperture setting value 65 as shown in Figure 8), the image data is saved into a memory device (45) (See Pages 20-21, [0029]). The Ueno

reference is evidenced that one of ordinary skill in the art at the time of the invention to see more advantages for the camera system can temporarily store capturing image, and save the image only when the exposure value change is at least equal to the exposure value change criteria so that the desired images can be separated comparatively easily (See Page 20, [0028]). For that reason, it would have been obvious to modify the system of Heyden ('135) by providing functions to temporarily store captured image, and save the image only when the exposure value change is at least equal to the exposure value change criteria as taught by Ueno ('847).

However, the Heyden and Ueno references do not explicitly show that the system only uses a memory which including a temporary image data region for temporarily storing the capturing images, and an image data region **only** stores the desired images.

The Fellegara reference teaches in Figures 6 and 7, the camera system comprising a camera flash memory (126) which including a temporary image data region (film mode image storage section 127) for temporarily storing the captured images (See Col. 13, lines 17-20), and an image data region (album storage section 125) is **only** for saving the desired images (See Col. 13, lines 30-31). The Fellegara reference is evidenced that one of ordinary skill in the art at the time of the invention to see more advantages for the camera system using a memory which including a temporary image data region for temporarily storing the capturing images, and an image data region **only** stores the desired images so that significantly reduce the expense and size of the camera system (See Col. 13, lines 25-27). For that reason, it would have been obvious to modify the system of Heyden ('135) by providing a memory which

including a temporary image data region for temporarily storing the captured images, and an image data region **only** storing the desired images as taught by Fellegara ('166).

Referring to claim 2, the Heyden reference discloses in Figure 4, a method for initiating capture of images, the method comprising the steps of: determining an exposure value for the image (determining recorded intensity value, and range of value from 0 and 255, see page 4, [0061]); computing an exposure value change from a previous exposure value (e.g., calculating difference exposure value between the reference image which created by previous set of images and current recorded image, see Figure 4, step 220 and page 4, [0071]); comparing the exposure value change to an exposure value change criteria (See Figure 4, step 230 and page 5 [0071], check whether exposure value change exceeds a certain light level); and capturing the image when the exposure value change is at least equal to the exposure value change criteria (e.g., in Figure 4, step 230, If exposure value change exceeds a certain level, the flow chart go through steps 240-270 to step 280 or through step 260 feedback to step 200 for recording a new image of the monitored area. This means the system captures the image when the exposure value change exceeds a certain intensity level, see page 5, [0074]). However, the Heyden reference does not explicitly show that the method of the system can temporarily capturing an image, and save the image only when the exposure value change is at least equal to the exposure value change criteria.

The Ueno reference teaches in Figures 1 and 8, a digital camera system comprising the change of the exposure value in the photographing means is performed by changing the aperture or the shutter speed for controlling the brightness

change in photograph (See page 17, [0020]); a memory (frame memory 28) configured to temporarily store the captured images (e.g., replacing the image data stored the longest in the memory 28 by the new image data, See page 2, lines 8-12); When the processor (control device 20) determines that the exposure value change (brightness value) is at least equal (close) to the exposure value change criteria (the brightness setting means such as aperture setting value 65 as shown in Figure 8), the image data is saved into a memory device (45) (See Pages 20-21, [0029]). The Ueno reference is evidenced that one of ordinary skill in the art at the time of the invention to see more advantages for the camera system can temporarily store capturing image, and save the image only when the exposure value change is at least equal to the exposure value change criteria so that the desired images can be separated comparatively easily (See Page 20, [0028]). For that reason, it would have been obvious to modify the system of Heyden ('135) by providing functions to temporarily store captured image, and save the image only when the exposure value change is at least equal to the exposure value change criteria as taught by Ueno ('847).

However, the Heyden and Ueno references do not explicitly show that the system only uses a memory which including a temporary image data region for temporarily storing the capturing images, and an image data region **only** stores the desired images.

The Fellegara reference teaches in Figures 6 and 7, the camera system comprising a camera flash memory (126) which including a temporary image data region (film mode image storage section 127) for temporarily storing the captured images (See Col. 13, lines 17-20), and an image data region (album storage section 125) **only**

stores the desired images (See Col. 13, lines 30-31). The Fellegara reference is evidenced that one of ordinary skill in the art at the time of the invention to see more advantages for the camera system using a memory which including a temporary image data region for temporarily storing the capturing images, and an image data region **only** stores the desired images so that significantly reduce the expense and size of the camera system (See Col. 13, lines 25-27). For that reason, it would have been obvious to modify the system of Heyden ('135) by providing a memory which including a temporary image data region for temporarily storing the capturing images, and an image data region **only** saving the desired images as taught by Fellegara ('166).

Referring to claim 3, the Heyden, Ueno and Fellegara references disclose all subject matter as discussed in respected to claim 2, and the Heyden reference discloses the step of calculating the previous exposure value (light intensity value) from at least one previously captured image (e.g., the reference exposure value is calculated from a set of previously captured images U, see page 5, [0068]-[0069]).

Referring to claim 4, the Heyden, Ueno and Fellegara references disclose all subject matter as discussed in respected to claim 2, the Heyden reference discloses the step of capturing further includes the step of saving the image in a memory (e.g., recording the images and stored it in the memory 5, page 4, [0058] and in Figure 4, step 230, If exposure value change exceeds a certain level, the flow chart go through steps 240-250 to step 260 for updated sets of images stored in memory 5 and using the recorded image to create a new set of images, See page 5, [0073]. This means the system includes the step of storing the image in a memory).

Referring to claim 5, the Heyden, Ueno and Fellegara references disclose all subject matter as discussed in respected to claims 2 and 5, and the Heyden reference discloses wherein the step of saving further includes the step of storing in the memory at least one subsequent image (e.g., a sequence of images can be recorded for one minute; and the memory 5 stores the sequence of images, see page 4, [0061] and [0058]).

Referring to claim 6, the Heyden, Ueno and Fellegara references disclose all subject matter as discussed in respected to claims 2 and 5, and the Heyden reference discloses wherein the step of saving further includes the step of storing in the memory at least one previously captured image (e.g., recording the images and stored it in the memory 5, page 4, [0058] and in Figure 4, step 230, If exposure value change exceeds a certain level, the flow chart go through steps 240-250 to step 260 for updated previous sets of images stored in memory 5 and using the recorded image to create a new set of images, See page 5, [0073]. This means the system includes the step of storing the at least one previously captured image in a memory).

Referring to claim 8, the Heyden, Ueno and Fellegara references disclose all subject matter as discussed in respected to claim 2, and the Heyden reference discloses wherein the image is a still image (e.g., each image in the sets of images stored in memory 5 can be considered as a still image).

Referring to claim 9, the Heyden, Ueno and Fellegara references disclose all subject matter as discussed in respected to claim 2, and Heyden reference discloses wherein the image is a video image (e.g., the sets of images is a **sequence** of images stored in memory 5 are video image).

Referring to claim 10, the Heyden, Ueno and Fellegara references disclose all subject matter as discussed in respected to claim 2, and Heyden reference discloses wherein comparing the exposure value (the light condition level of the recorded image) to a predefined threshold (a certain intensity level) such that the step of capturing the image when the exposure value change is at least equal to the exposure value change criteria is performed when the exposure value is at least equal to the predefined threshold (e.g., in Figure 4, step 230, If exposure value change exceeds a certain level, the flow chart go through steps 240-270 to step 280 or through step 260 feedback to step 200 for recording a new image of the monitored area. This means the system captures the image when the exposure value change exceeds a certain intensity level, see page 5, [0074]).

Referring to claim 11, the Heyden reference discloses in Figures 1 and 4, a system for initiating capture of images (see page 4, [0060]), comprising: means for determining an exposure value for the image (determining light intensity value for the recorded image from 0 and 255, see page 4, [0061]); means for computing an exposure value change from a previous exposure value (e.g., calculating difference exposure value between the reference image which created by previous set of images and current recorded image, see Figure 4, step 220 and page 4, [0071]); means for comparing the exposure value (light levels of the recorded image) change to an exposure value change criteria (See Figure 4, step 230 and page 5 [0071], check whether exposure value change exceeds a certain light level); and means for capturing the image when the exposure value change is at least equal to the exposure value change criteria (e.g., in Figure 4, step 230, If exposure value change exceeds a certain

level, the flow chart go through steps 240-270 to step 280 or through step 260 feedback to step 200 for recording a new image of the monitored area. This means the system captures the image when the exposure value change exceeds a certain intensity level, see page 5, [0074]). However, the Heyden reference does not explicitly show that the system can temporarily capturing an image, and save the image only when the exposure value change is at least equal to the exposure value change criteria.

The Ueno reference teaches in Figures 1 and 8, a digital camera system comprising the change of the exposure value in the photographing means is performed by changing the aperture or the shutter speed for controlling the brightness change in photograph (See page 17, [0020]); a memory (frame memory 28) configured to temporarily store the captured images (e.g., replacing the image data stored the longest in the memory 28 by the new image data, See page 2, lines 8-12); When the processor (control device 20) determines that the exposure value change (brightness value) is at least equal (close) to the exposure value change criteria (the brightness setting means such as aperture setting value 65 as shown in Figure 8), the image data is saved into a memory device (45) (See Pages 20-21, [0029]). The Ueno reference is evidenced that one of ordinary skill in the art at the time of the invention to see more advantages for the camera system can temporarily store capturing image, and save the image only when the exposure value change is at least equal to the exposure value change criteria so that the desired images can be separated comparatively easily (See Page 20, [0028]). For that reason, it would have been obvious to modify the system of Heyden ('135) by providing functions to temporarily

store captured image, and save the image only when the exposure value change is at least equal to the exposure value change criteria as taught by Ueno ('847).

However, the Heyden and Ueno references do not explicitly show that the system only uses a memory which including a temporary image data region for temporarily storing the capturing images, and an image data region **only** stores the desired images.

The Fellegara reference teaches in Figures 6 and 7, the camera system comprising a camera flash memory (126) which including a temporary image data region (film mode image storage section 127) for temporarily storing the captured images (See Col. 13, lines 17-20), and an image data region (album storage section 125) **only** stores the desired images (See Col. 13, lines 30-31). The Fellegara reference is evidenced that one of ordinary skill in the art at the time of the invention to see more advantages for the camera system using a memory which including a temporary image data region for temporarily storing the capturing images, and an image data region **only** stores the desired images so that significantly reduce the expense and size of the camera system (See Col. 13, lines 25-27). For that reason, it would have been obvious to modify the system of Heyden ('135) by providing a memory which including a temporary image data region for temporarily storing the capturing images, and an image data region **only** saving the desired images as taught by Fellegara ('166).

Referring to claim 12, the Heyden, Ueno and Fellegara references disclose all subject matter as discussed in respected to claim 11, and the Heyden reference discloses the step of calculating the previous exposure value (light intensity value)

from at least one previously captured image (e.g., the reference exposure value is calculated from a set of previously captured images U, see page 5, [0068]-[0069]).

Referring to claim 13, the Heyden, Ueno and Fellegara references disclose all subject matter as discussed in respected to claim 11, and the Heyden reference discloses wherein the means for capturing further includes the means for storing the image in a memory (e.g., recording the images and stored it in the memory 5, page 4, [0058] and in Figure 4, step 230, If exposure value change exceeds a certain level, the flow chart go through steps 240-250 to step 260 for updated sets of images stored in memory 5 and using the recorded image to create a new set of images, See page 5, [0073]. This means the system includes the step of storing the image in a memory).

Referring to claim 14, the Heyden, Ueno and Fellegara references disclose all subject matter as discussed in respected to claims 11 and 13, and the Heyden reference discloses wherein means for capturing further includes means for storing in the memory at least one subsequent image (e.g., a sequence of images can be recorded for one minute; and the memory 5 stores the sequence of images, see page 4, [0061] and [0058]).

Referring to claim 15, the Heyden, Ueno and Fellegara references disclose all subject matter as discussed in respected to claims 11 and 13, and the Heyden reference discloses wherein means for capturing further includes means for storing in the memory at least one subsequent image (e.g., a sequence of images can be recorded for one minute; and the memory 5 stores the sequence of images, see page 4, [0061] and [0058]).

Referring to claim 17, the Heyden reference discloses in Figures 1 and 4, a computer readable medium (See page 4, [0050]) having a program for initiating capture (record) of images (e.g., See Figure 4, the step 200 for initiating capture of image), the program comprising logic configured to perform the steps of (See the logic flow charts in Figure 4): determining an exposure value for the image (e.g., determining light intensity levels of the recorded image, and the range of value from 0 and 255, see page 4, [0061]); computing an exposure value change from a previous exposure value (e.g., calculating difference exposure value between the reference image which created by previous set of images and current recorded image, see Figure 4, step 220 and page 4, [0071]); comparing the exposure value change to an exposure value change criteria (See Figure 4, step 230 and page 5 [0071], check whether exposure value change exceeds a certain light level); and capturing (recording) the image when the exposure value change is at least equal to the exposure value change criteria (e.g., in Figure 4, step 230, If exposure value change exceeds a certain level, the flow chart go through steps 240-270 to step 280 or through step 260 feedback to step 200 for recoding a new image of the monitored area. This means the system captures the image when the exposure value change exceeds a certain intensity level, see page 5, [0074]). However, the Heyden reference does not explicitly show that the system can temporarily capturing an image, and save the image only when the exposure value change is at least equal to the exposure value change criteria.

The Ueno reference teaches in Figures 1 and 8, a digital camera system comprising the change of the exposure value in the photographing means is

performed by changing the aperture or the shutter speed for controlling the brightness change in photograph (See page 17, [0020]); a memory (frame memory 28) configured to temporarily store the captured images (e.g., replacing the image data stored the longest in the memory 28 by the new image data, See page 2, lines 8-12); When the processor (control device 20) determines that the exposure value change (brightness value) is at least equal (close) to the exposure value change criteria (the brightness setting means such as aperture setting value 65 as shown in Figure 8), the image data is saved into a memory device (45) (See Pages 20-21, [0029]). The Ueno reference is evidenced that one of ordinary skill in the art at the time of the invention to see more advantages for the camera system can temporarily store capturing image, and save the image only when the exposure value change is at least equal to the exposure value change criteria so that the desired images can be separated comparatively easily (See Page 20, [0028]). For that reason, it would have been obvious to modify the system of Heyden ('135) by providing functions to temporarily store captured image, and save the image only when the exposure value change is at least equal to the exposure value change criteria as taught by Ueno ('847).

However, the Heyden and Ueno references do not explicitly show that the system only uses a memory which including a temporary image data region for temporarily storing the capturing images, and an image data region **only** stores the desired images.

The Fellegara reference teaches in Figures 6 and 7, the camera system comprising a camera flash memory (126) which including a temporary image data region (film mode image storage section 127) for temporarily storing the captured images (See

Col. 13, lines 17-20), and an image data region (album storage section 125) **only** stores the desired images (See Col. 13, lines 30-31). The Fellegara reference is evidenced that one of ordinary skill in the art at the time of the invention to see more advantages for the camera system using a memory which including a temporary image data region for temporarily storing the capturing images, and an image data region **only** stores the desired images so that significantly reduce the expense and size of the camera system (See Col. 13, lines 25-27). For that reason, it would have been obvious to modify the system of Heyden ('135) by providing a memory which including a temporary image data region for temporarily storing the capturing images, and an image data region **only** saving the desired images as taught by Fellegara ('166).

Referring to claim 18, the Heyden, Ueno and Fellegara references disclose all subject matter as discussed in respected to claim 17, and the Heyden reference discloses wherein the program is further configured to the step of calculating the previous exposure value (light intensity value) from at least one previously captured image (e.g., the reference exposure value is calculated from a set of previously captured images U, see page 5, [0068]-[0069]).

Referring to claim 19, the Heyden, Ueno and Fellegara references disclose all subject matter as discussed in respected to claim 17, and the Heyden reference discloses wherein the program is further configured to the step of storing the image in a memory (e.g., recording the images and stored it in the memory 5, see page 4, [0058] and in Figure 4, step 230, If exposure value change exceeds a certain level, the flow chart go through steps 240-250 to step 260 for updated sets of images stored in

memory 5 and using the recorded image to create a new set of images, See page 5, [0073]. This means the system includes the step of storing the image in a memory).

Referring to claim 20, the Heyden, Ueno and Fellegara references disclose all subject matter as discussed in respected to claims 17 and 19, and the Heyden reference discloses wherein the step of capturing further includes the step of storing in the memory at least one subsequent image (e.g., a sequence of images can be recorded for one minute; and the memory 5 stores the sequence of images, see page 4, [0061] and [0058]).

Referring to claim 21, the Heyden, Ueno and Fellegara references disclose all subject matter as discussed in respected to claims 17 and 19, and the Heyden reference discloses wherein the step of capturing further includes the step of storing in the memory at least one previously captured image (e.g., recording the images and stored it in the memory 5, page 4, [0058] and in Figure 4, step 230, If exposure value change exceeds a certain level, the flow chart go through steps 240-250 to step 260 for updated previous sets of images stored in memory 5 and using the recorded image to create a new set of images, See page 5, [0073]. This means the system includes the step of storing the at least one previously captured image in a memory).

Referring to claim 22, the Heyden, Ueno and Fellegara references disclose all subject matter as discussed in respected to claims 17 and 19, and the Fellegara reference discloses the step of temporarily capturing the image further comprises storing in a memory (126) image data corresponding to the captured image (See Col. 13, lines 17-21).

Referring to claim 23, the Heyden, Ueno and Fellegara references disclose all subject matter as discussed in respected to claim 22, and the Fellegara reference discloses the step of storing further comprises storing the image data in a temporary image data region of a memory (film mode image storage section 127 of the memory 126) in Figure 7.

Referring to claim 24, the Heyden, Ueno and Fellegara references disclose all subject matter as discussed in respected to claim 22, and the Fellegara reference discloses the step of storing further comprises storing the image data in an image data region of a memory (album storage section 125 of the memory 126) in Figure 7.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heyden U.S. Publication 2002/0039135 in view of Ueno et al. J.P. Publication 08-032847, Fellegara et al. U.S. Patent 5,845,166 and Plummer U.S. Patent 4,689,696.

Referring to claim 7, the Heyden, Ueno and Fellegara references disclose all subject matter as discussed in respected to claim 2, except that the Heyden reference

does not explicitly show the step of capturing further includes the step of exposing the image to film.

The Plummer reference teaches in Figure 1, a camera (12, see Col. 3, lines 55-56)) comprises a CCD sensor (40, see Col. 4, lines 36-37), film unit (28, see Col. 4, lines 21-22); and a beam splitter (34, see Col. 4, lines 28-29) for capturing the image to CCD sensor (40) and exposing the image to film (28) simultaneously. The Plummer reference is evidenced that one of ordinary skill in the art at the time of the invention to see more advantages for the camera capturing the image on both CCD sensor and film unit in order to provide a hybrid system which combines aspects of both photography and electronic imaging (See Col. 2, lines 26-28). For that reason, it would have been obvious to modify the system of Heyden ('135) by providing a step of exposing the image to film included in the step of capturing as taught by Plummer ('696).

Referring to claim 16, the Heyden, Ueno and Fellegara references disclose all subject matter as discussed in respected to claims 11, except that the Heyden reference does not explicitly show the means for capturing further includes means for exposing the image to film.

The Plummer reference teaches in Figure 1, the camera (12, see Col. 3, lines 55-56)) comprises a CCD sensor (40, see Col. 4, lines 36-37), film unit (28, see Col. 4, lines 21-22); and a beam splitter (34, see Col. 4, lines 28-29) for capturing the image to CCD sensor (40) and exposing the image to film (28) simultaneously. The Plummer reference is evidenced that one of ordinary skill in the art at the time to see more advantages for the camera capturing the image on both CCD sensor and film

unit in order to provide a hybrid system which combines aspects of both photography and electronic imaging (See Col. 2, lines 26-28). For that reason, it would have been obvious to modify the system of Heyden ('135) by providing means for exposing the image to film included in the means capturing as taught by Plummer ('696).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James J. Groody
Supervisory Patent Examiner
Art Unit ~~262~~ 2615

Lin Ye

April 20, 2005